

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 02/14/2023----- X
UNITED STATES OF AMERICA,

-v-

ISABELLA POLLOK,

Defendant.
----- X

20-cr-110 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The sentencing of Defendant Isabella Pollok ("Defendant") is scheduled for Wednesday, February 22, 2023. Today, the Court received a letter with the request that it be read aloud at Defendant's sentencing. The author of the letter also asks that the letter be kept under seal until the time of sentencing.

There is a presumption of immediate public access to judicial documents under both the common law and the First Amendment. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006). To determine whether a document should be permitted to be filed under seal, the court engages in a three part test: (1) it determines whether the filing should be "classified as a 'judicial document,'" (2) if the record at issue is a judicial document, the court "must next determine the particular weight of th[e] presumption of access for the record at issue"; and (3) "once the weight of the presumption has been assessed, the court is required to 'balance competing considerations against it,'" including, *inter alia*, "'the danger of impairing law enforcement or judicial efficiency' and 'the privacy interests of those resisting disclosure.'" *Olson v. Major League Baseball*, 29 F.4th 59, 87–88 (2d Cir. 2022) (citations omitted). In addition, the Crime Victims' Rights Act, 18 U.S.C. § 3771, gives certain rights to all victims, including "the right to be treated with fairness and the right to be treated with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8).

The Court has read the letter. Accordingly, the party who submitted the letter is ordered to show cause with specificity on or before February 16, 2023 why the letter should not be made public prior to the time of sentencing. In the absence of sufficient cause being shown under the applicable standards in the Second Circuit, the Court will unseal the letter immediately. The party is permitted to submit this submission under seal.

SO ORDERED.

Dated: February 14, 2023
New York, New YorkLEWIS J. LIMAN
United States District Judge